

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JERMONT COX</b>	<b>:</b>	<b>CIVIL ACTION</b>
<b>V.</b>	<b>:</b>	<b>(Capital case)</b>
<b>MARTIN HORN, et al.</b>	<b>:</b>	<b>Nos. 00-5289 10-2673</b>

**COMMONWEALTH’S UNOPPOSED MOTION FOR ADDITIONAL TIME IN  
WHICH TO FILE RESPONSE TO PETITIONER’S MOTION FOR DISCOVERY**

Jermont Cox is a Pennsylvania state prisoner who, in the above-captioned habeas petitions, challenges his two 1995 murder convictions, one of which resulted in a death sentence. In the life case (No. 00-5289), Cox filed his habeas petition in 2000, but proceedings were stayed for more than a decade while he pursued relief in state court. This Court recently restored that case to the active docket. In his death penalty case (No. 10-2673), Cox filed his habeas petition in November of 2010. Cox is represented by the Federal Defenders in both cases.

About two weeks ago, on July 13, 2011, Cox (through counsel) filed a *Motion for Discovery*; by rule, the response is due on Monday, August 1. Respondents respectfully request that they be given an additional 30 days in which to respond. Cox’s counsel, Stuart Lev, Esq., does not oppose this request.

This is obviously a complicated case, as is apparent from the *Petitions*; in order to file a response, undersigned counsel will need to familiarize himself with the facts and procedural history. In the two weeks after the *Motion* was filed, however, undersigned counsel, the Chief of the Federal Litigation Unit, who is presently handling this matter on

behalf of the Commonwealth respondents, has been busy on a number of different matters. For example, the undersigned completed a four-day evidentiary hearing in a habeas matter before Judge Padova, Wilson v. Beard, No. 02-374 (E.D. Pa.), in addition to the undersigned's other responsibilities as Chief of the Unit. In two days, the undersigned is scheduled to leave on a long-planned 14-day family vacation.

Under the circumstances, the Commonwealth believes that it can file an adequate response to the *Motion for Discovery* within 30 days of its current due date, or by August 31, 2011. The Commonwealth respectfully requests that it be given this additional time to respond.

Respectfully submitted,

*/s/ Thomas W. Dolgenos*

THOMAS W. DOLGENOS  
Chief, Federal Litigation

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JERMONT COX** : **CIVIL ACTION**  
**V.** : **(Capital case)**  
**MARTIN HORN, et al.** : **Nos. 00-5289**  
 : **10-2673**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion was duly served on July 29, 2011, by this Court's ECF system, on counsel for petitioner:

Stuart Lev, Esq.  
Stuart\_Lev@fd.org  
Federal Community Defender Office  
for the Eastern District of Pennsylvania  
Capital Habeas Corpus Unit  
The Curtis Center, Suite 545-W  
Independence Square West  
Philadelphia, PA 19106

*/s/ Thomas W. Dolgenos*

---

THOMAS W. DOLGENOS  
Chief, Federal Litigation

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JERMONT COX** : **CIVIL ACTION**  
**V.** : **(Capital case)**  
**MARTIN HORN, et al.** : **Nos. 00-5289**  
 : **10-2673**

**ORDER**

AND NOW, this                      day of                      , 2011, the Court hereby  
orders that the Commonwealth may file its Response to the petitioner's Motion for  
Discovery by August 31, 2011.

BY THE COURT:

---

J.